



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

*Dennis J. Duffin
Director*

July 11, 1988
AO-88-23

Danial Sullivan
170 Old State Road
Erving, Massachusetts 01344

Dear Mr. Sullivan:

This letter is in response to your request for an advisory opinion.

You have stated that you are a member of a group of voters and taxpayers in the town of Erving, who are also within the legal boundaries of the Millers Falls Fire and Water District ("MFF&WD"). These citizens do not receive the street lights, public water or fire hydrant services which the MFF&WD provides. They only receive fire protection and a majority wish to remove their properties from the MFF&WD. Some of these citizens, yourself among them, have collectively hired a lawyer to research the law and assist in this endeavor (the "Group").

You expect that there will be a special meeting of the MFF&WD to vote on the proposal of the removal of the properties from the MFF&WD. All registered voters in the MFF&WD will be permitted to attend and vote at this meeting, which will be conducted similar to an open town meeting.

The Group wishes to raise money to pay the attorney's fees and to educate the voters of the MFF&WD on the issue to be discussed and voted on at the special meeting. You wish to know whether the Group must organize and file as a political committee under M.G.L. c.55.

Section 1 of M.G.L. c.55 defines "political committee" as "any committee, association, organization or other group of persons . . . which receives contributions or makes expenditures for the purpose of . . . opposing or promoting a . . . referendum question . . . or other question submitted to the voters."

It has been the opinion of this office that "questions submitted to the voters" must appear on the ballot in order for the provisions of M.G.L. c.55 to

Danial Sullivan
July 11, 1988
Page 2

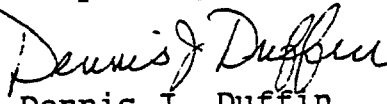
apply. This office does not consider issues which are debated in an open forum such as a town meeting, even if the issues are resolved by secret vote, to be questions "on the ballot."

It is the opinion of this office, therefore, that the Group may raise and spend funds to educate voters and pay attorney's fees without falling under the provisions of M.G.L. c.55, including those provisions requiring filing as a political committee, provided the issue for which the Group is raising and spending such funds is presented to the voters at a special meeting similar to a town meeting, rather than on a ballot.

This opinion has been rendered solely on the basis of the representations made in your letter.

Please do not hesitate to contact to this office should you have additional questions.

Very truly yours, .


Dennis J. Duffin
Director